



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

March 12, 2012

Mr. Daniel Drais
Federal Transit Administration, Region 10
915 Second Avenue
Federal Building, Suite 3142
Seattle, Washington 98174-1002

Mr. Paul W. Krueger
Washington State Department of Transportation
Ferries Division
2901 3rd Avenue, Suite 500
Seattle, Washington 98121-3014

Re: Mukilteo Multi-Modal Project Draft Environmental Impact Statement
(EPA Region 10 Project Number: 06-009-FTA).

Dear Mr. Drais and Mr. Krueger:

The U.S. Environmental Protection Agency (EPA) has reviewed the Mukilteo Multimodal Project Draft Environmental Impact Statement (DEIS). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The Federal Transit Administration (FTA) and Washington State Ferries (WSF) propose improvements to facilities, operations, safety, and security at the mainland terminus of the Mukilteo-Clinton ferry route. The project area lies within the city limits of both Mukilteo and Everett, Washington. The EIS analyzes four alternatives: No Build, Existing Site Improvements, Elliot Point 1, and Elliot Point 2. Both the No Build and Existing Site alternatives would continue to use the current site of the ferry terminal; Elliot Point 1 and 2 alternatives would move the ferry terminal slightly eastward to the U.S. Air Force Mukilteo Tank Farm property, thereby redeveloping a site that has undergone remedial clean up of hazardous materials but which yet contains residual contaminants onsite. All alternatives would affect existing cultural/historical/archeological sites within the project area to varying degrees. No preferred alternative has been identified.

We support the proposed project and appreciate that it has the potential to produce a number of environmental benefits. Our comments are intended to highlight these opportunities and to encourage project proponents to fully pursue them in designing and selecting a preferred alternative. We also offer comment and technical assistance intended to help minimize the project's environmental impacts from construction and operations. Our concerns include:

- a possible need to clean up residual contamination on the Tank Farm property, and related concerns for water and aquatic habitat quality in Possession Sound and project area streams,
- dispersion of contaminants, noise, and other construction related impacts to marine species, including impacts to threatened, endangered, and other sensitive fish and wildlife species;
- the need for information regarding ferry emissions and mitigation in the air quality analysis, and to examine the potential for elevated concentrations of diesel and other emissions in the project area that may affect people, particularly ferry workers.

In accord with the above, we are rating the DEIS as EC-2, Environmental Concerns, Insufficient Information. Enclosed with this letter are (1) our detailed comments and recommendations on the DEIS; (2) our detailed review and comments on the Sediment Sampling and Analysis Plan (SAP); and (3) an explanation of the EIS rating system.

We appreciate the opportunity to participate in the Mukilteo Multimodal Project, and look forward to the benefits it would provide to the regional transportation system and quality of life. If you have questions or would like to discuss these comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Elaine Somers of my staff at (206) 553-2966 or by electronic mail at somers.elaine@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Christine B. Reichgott". The signature is fluid and cursive, with the first name "Christine" and last name "Reichgott" clearly legible.

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures

Enclosure 1

Detailed Comments on the Mukilteo Multimodal Project Draft EIS

Preferred Alternative

The DEIS presents a good range of alternatives, identifies features that best meet the project purpose and need, and highlights environmental benefits, but does not identify a preferred alternative. We believe the most sustainable solution for meeting regional transportation needs would both minimize environmental impacts and maximize environmental benefits. A preferred alternative design could potentially combine elements of two alternatives to achieve such an outcome.

The preferred alternative would ideally:

- Best meet the transportation project purpose and need;
- Clean up existing/remaining contamination on the project site;
- Minimize over-water footprint and impervious surface, and avoid floodplain areas;
- Move non-water dependent land uses, such as parking lots, further away from the shoreline;
- Restore functional shoreline habitat on Possession Sound and provide, with appropriate restrictions/setback, a pedestrian promenade;
- Daylight Japanese Creek;
- Increase the area of the Tank Farm property that would be redeveloped to provide transportation, community, and environmental benefits;
- Maximize use of Low Impact Development techniques to capture and treat stormwater;
- Ensure that stormwater infiltration occurs only where surface and sub-surface conditions are free of contamination;
- Minimize impacts to water quality, aquatic habitats, and species in project design and construction, including but not limited to those listed as Federal or State endangered, threatened, candidate, or sensitive species;
- Minimize emissions of all transportation and construction related air pollutants, including greenhouse gas emissions; and
- Enhance the awareness, appreciation, and respect for tribal cultural and natural resources and project area historical resources.

We think that a well designed preferred alternative could potentially achieve most or all of the above. For example, the Elliot Point 2 Alternative appears to encompass the majority of these features, with the notable exception of daylighting Japanese Creek, which is a component only of the Elliot Point 1 Alternative (however, it appears the City of Mukilteo plans to daylight the Creek at the Possession Sound shoreline regardless of the alternative chosen, DEIS p. 4-188). By extending the Elliot Point 2 site further east to incorporate more of the Tank Farm site, it may be feasible to incorporate the daylighting of Japanese Creek and also move the non-water dependent parking, holding areas, and other paved features further from the shoreline. This could provide room for shoreline restoration, a pedestrian promenade, and a site dedicated to acknowledge and commemorate the tribal cultural and historical significance of Point Elliot. This alternative modification is mentioned in the DEIS (p. 4-25). Additional areas of the Tank Farm could be used to meet parking needs for the multimodal facility. (For two of the

three action alternatives, available parking spaces would decrease; the Elliot Point 1 Alternative would increase parking by only three spaces.)

Recommendation: Further explore and consider incorporating an alternative design that extends further east, which would result in redevelopment of a greater portion of the Tank Farm brownfield site, incorporate daylighting of Japanese Creek, and enable shoreline restoration, pedestrian promenade, a cultural/historical commemorative site, and needed parking. Incorporate as many as possible of the above listed features in the preferred alternative. Apply context sensitive design.

Hazardous Materials, Water Quality, and Aquatic Habitats

We appreciate that the DEIS addresses mitigation for impacts due to removal of petroleum distribution facilities, creosote-treated timber and piles, contaminated sediment or dredged sediment; grading or excavating contaminated soil, contaminated groundwater management, and construction of stormwater facilities in contaminated areas; and for noting the environmental benefits of cleaning up project area contamination. However, we have concerns that the clean up may be limited to removing the above ground structures and placing fill over potentially contaminated soils in the project area, particularly at the Tank Farm site. While capping the surface is sometimes deemed the best solution in order to avoid disturbing contaminated soils, we would encourage project proponents to work closely with Ecology and others to re-examine the residual contamination on the Tank Farm and other potentially contaminated project area sites that may be affected, and consider the long-term benefits of removing the contaminants.

Possession Sound and project area streams are water quality impaired for a variety of parameters, including toxic compounds. Contaminated soils may be a present or future source of polluted seepage to groundwater, surface water, and the shoreline, potentially affecting fish, birds, and other wildlife, including threatened and endangered species.

Recommendation: Re-examine residual contamination at the project site, particularly the Tank Farm site, using site assessment tools and consulting as necessary with Ecology, the Tribes, NOAA-NMFS, USFWS, and other interested/affected resource agencies and entities, so that remedial actions that best restore long-term ecological and human health in the project area will be taken.

Sediment Analysis and Management

We appreciate the opportunity to review and comment on the Sediment Sampling and Analysis Plan (SAP), which was developed in support of the NEPA analysis. The sampling should inform the refining of alternatives. We note that some samples might not go deep enough to properly characterize the newly exposed dredged surface. If characterizing these deeper sediments would inform cost analyses and selection among the alternatives, we believe the sampling should be done now. We would recommend obtaining cores two feet below the bottom of the dredge prism and taking separate analyses from that lower portion.

The SAP, which provides a good site history, reveals that munitions were handled at the fuel dock area. This may require a different assessment. It might involve a dive survey, detection and consideration of either isolation or detonation and removal. Lead and ammonium nitrate are some of the likely potential residues from exploded ordnance.

As stated in the SAP, the sampling effort has been tailored to help inform the selection and design of alternatives, and has not been coordinated as part of permitting, which would require interagency coordination via the Dredged Material Management Office (DMMO - Seattle District Corps). When a preferred alternative is identified, the sediment information obtained will help inform additional sediment sampling and characterization that would likely be required as part of the permitting process for that specific alternative. Our comments on the SAP are provided in the interest of making the sediment characterization information as useable as possible for the future, and to further inform the potential use of the Tank Farm site.

Further analysis and disclosure of short and long-term sediment management effects on water quality, aquatic habitats and biota should be included in the Final EIS and will be required at the permitting stage. We believe that the long-term benefits of removing creosote pilings would outweigh the short-term impacts associated with their removal. We also believe that Best Management Practices (BMPs) and permit conditions would go a long way to substantially reduce ecological risks associated with creosote piling removal. We have previously provided such BMPs to FTA and WSF with our prior comments on the proposed project.

Our specific comments on the WSF Mukilteo Multimodal Sediment Sampling and Analysis Plan, dated December 2011, are included in Enclosure 2. If there are any questions regarding these comments, please contact Justine Barton at (206)553-6051 or Jonathan Freedman at (206)553-0266.

Stormwater

The DEIS discusses the use of vaults to retain, treat, and release stormwater, as well as bioretention facilities, which are expected to be more effective than vaults. An added benefit of removing onsite contaminants would be the ability to make greater use of storm water management measures that maintain some natural ecological functions such as bioretention, infiltration, and application of low impact development (LID) techniques. In particular, the areas of pavement needed for the multimodal facility could potentially be hardened using pervious pavers or pavements, while site design could incorporate green pockets, such as rain gardens, and other LID features. The EPA has recently launched a new Green Infrastructure Website at <http://water.epa.gov/infrastructure/greeninfrastructure>, a “one-stop shop” that offers a wealth of publications and tools as well as the latest research on green infrastructure.

Recommendation: Incorporate LID features in site design to the greatest extent possible and visit the EPA Green Infrastructure website for information.

Air Quality

Analysis of Impacts. The DEIS does not discuss emissions from ferries and it is unclear whether or not ferry emissions are included in the cumulative effects analysis. The EIS should discuss if and how the ferry emissions are accounted for. In order to have a full understanding of potential impacts on air quality, it would be helpful to characterize how the combined diesel emissions from ferries, trains, buses, and ferry traffic at the multimodal facility may compare with offsite locations, apart from or in addition to determining potential standards violations. Please also include information about the potential exposure of ferry workers at toll booths and loading docks to prolonged elevated levels of diesel and other vehicular emissions.

Recommendation: Include the above information in the Final EIS.

Mitigation. We expect that WSF is already taking steps to reduce ferry fuel consumption and emissions. In support of such efforts, we recommend, as per our previous comments, adoption of components of the NW Ports Clean Air Strategy, which includes the following mitigation recommendations for Harbor and Commercial vessels:

- Implement engine retrofits, where feasible.
- Pilot post-combustion control/after treatment technologies.
- Develop an agreement between PSCAA and WSF to significantly reduce fuel consumption through the use of Composite restraint systems, fuel sensors, and other efficiency technologies.

Recommendation: Adopt appropriate mitigation measures and include commitments in the Final EIS.

Noise Impacts to Aquatic Species

The Elliot Point 2 Alternative would minimize the number of new piles that must be installed, and the DEIS provides a good list of potential mitigation measures to minimize the noise impacts to marine species from project construction. We recommend that project proponents work closely with NOAA-NMFS and USFWS to devise the best possible mitigation plan to ameliorate noise impacts to aquatic species and birds.

Recommendation: Include a plan as described above in the Final EIS.

Enclosure 2
EPA Comments on the WSF Mukilteo Multimodal Sediment Sampling and Analysis Plan
December 2011

1. Page 1-7, line 1. While there were data gaps in the characterization as noted, a figure is needed to show the twenty-three 2003 sampling locations. Indicate whether they are in the vicinity of the current proposed sampling.
2. Page 2-1, lines 23-24. Please reference the updated "DMMP Guideline Chemistry Values" table, (including SLs, BTs and MLs), updated June 2011, when referencing the User's Manual.
3. Page 2-1, line 32. Please provide a brief explanation as to whether TBT and dioxins/furans will be included as special chemicals at this site for this round and provide the rationale based on past uses at the site.
4. Page 2-5, line 2. As a goal, all vibracore sampling locations, cores should be taken as close as possible to the pier face in order to represent the areas under the pier at depth as much as possible.
5. Page 2-5, line 9. The SAP needs a sample compositing table outlining exactly what parts/segments from each core from Figure 2-1 and Table 2-1 will go into each composite analysis. Indicate why V1 is a 6' core and whether it is because the bathymetry is different in that location. See comment #6 below.
6. Figure 2-1 should include current bathymetry contour lines, which can at times help with positioning core sampling locations, and ensuring long enough cores have been taken to represent both potential dredged material and the new exposed surface. Indicate whether the depths are consistent the full length of the pier.
7. Page 2-6, lines 11-12. It appears that sampling for dioxin/furans will occur, however, the sediment will be archived and analysis will not be done immediately. Explain how the decision to run these analyses will be made. Should PCBs be found in the samples at levels over the SL or SQS, it is possible dioxin/furan analyses would be required during permitting unless this chemical is removed as a concern via testing this round. If there is no reason to believe they are present, and then comment #3 above helps to address this issue for now. If it is possible dioxins/furans will be run on these samples, the reference "*Revised Supplemental Information on Polychlorinated Dioxins and Furans (PCDD/F) For Use in Preparing Quality Assurance Project Plan (QAPP)*", dated November 8, 2010, must be incorporated by reference in this SAP, and the details therein used for the reports related to dioxins/furans. This reference may be found on the Seattle District DMMO website.
8. Table 2-2. As addressed in comment #3 above, if TBT is not a chemical of concern (COC) and documentation is provided of past site use that indicates it unlikely, then remove this COC from your list. If it is a possible COC, prepare this SAP for taking interstitial water samples for TBT.
9. Table 2-2 should include BTs for comparison and indicate that the units are dry weight where correct. Also, a table with current SQS and CSL values should be included, with appropriate units.

10. Page 3-1, line 18. We reiterate comment # 4 above. Vibracores (originals and any that are shifted due to sampling problems) should be as close to the pier face as debris and safety allow.
11. Page 3-6, lines 11-13. Indicate what percent recovery will be acceptable.
12. Page 3-6, lines 27-28. This section mentions four diver coring locations under the Tank Farm Pier and one location under the existing Ferry Terminal (which conflicts with text on p. 2-2 and Figure 2-1). Please reconcile these. Also, a station taken in the footprint of the new alignment at the Existing Ferry Terminal Site would help to obtain information on sediments likely to be displaced by construction at the Existing Terminal Site. A table as recommended in comment #5 above would help to prevent confusion.
13. Page 3-9, lines 3-5. Please provide more explanation of how this determination will be made during core processing. Indicate what core material represents what section of the dredge prism (and underlying new surface material). Explain how compaction, friction/plugging, and core loss will be accounted for.
14. Page 3-11, line 8. The total of "15 samples" should be clear and consistent with the new table (per comment #5 above).
15. Page 3-12 Table 3-1 and lines 3-9. This sampling protocol does not appear to provide adequate differentiation among samples (among the composited surface samples from the vibracores, for example). At a minimum, there should be a station identifier included in the chain. Please clarify how each sample will be identified.
16. Page 4-1, Table 4-1 and text, e.g., line 10. The text states mercury samples will be frozen, but the table indicates 0-6°C. Make Table 4-1 consistent with Table 5-1 in the DMMP User's Manual. This SAP table appears to have been pulled together or truncated. Indicate why the column for temperature is called "preservative". Other examples: 0-6°C instead of 4°C? Dioxins/furans holding time refer to 40 days to analyze instead of 30 days?
17. Page 4-2, Table 4-1 continued. This part of the table seems to duplicate the previous page in places and is perhaps a table-merge gone wrong. All values and footnotes should be checked. Also, please provide a reference for the nitroaromatics and nitramines details.
18. Page 5-1, lines 3-6. Please reference the revised June 2011 list for Chemicals of Concern. State that samples for dioxin/furans will be archived.
19. Page 5-2, Table 5-1. Include TBT only if it will be sampled.
20. Page 6-1, Table 6-1. Please compare and ensure this table is consistent with the DMMP User Manual, Table 6-4.
21. Page 6-1, line 17. If dioxin/furan is run, a Stage 4 validation is highly recommended. See dioxin guidance per comment #7 above.
22. Page 7-2, line 8. Provide tables including all SMS and DMMP levels (with appropriate units) for comparison with analyses (including DMMP BT).

Enclosure 3
U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.